

II. REMARKS

1. Claims 1-7 and 9-16 remain in the application.

2. Applicants respectfully submit that claims 1-7 and 9-16 are patentable over the combination of Rader (US Patent 5,867,140) and Yamakazi (US Application 2002/0175887).

2.1 Applicants respectfully point out that Yamazaki is invalid. Yamazaki is based on PCT application PCT/JP99/00552, filed before November 29, 2000 and therefore may have a reference date of October 7, 1999 if it issues. The publication date of the PCT application is August 12, 1999.

As stated in MPEP 706.02(a):

Patents issued directly, or indirectly, from international applications filed before November 29, 2000 may only be used as prior art based on the provisions of 35 U.S.C. 102(e) in effect before November 29, 2000. Thus, the U.S.C. 102(e) date of such a prior art patent is the earliest of the date of compliance with 35 U.S.C. 371(c)(1), (2) and (4), or the filing date of the later-filed U.S. continuing application that claimed the benefit of the international application. Publications of international applications filed before November 29, 2000 (which would include WIPO publications and U.S. publications of the national stage (35 U.S.C. 371) do not have a 35 U.S.C. 102(e) date at all (however, such publications are available as prior art under 35 U.S.C. 102(a) or (b) as of the publication date). Specifically, under revised 35 U.S.C. 374, the international application must be filed on or after November 29, 2000 for its WIPO publication to be "deemed a publication under section 122(b)" and thus available as a possible prior art reference under 35 U.S.C. 102(e) as amended by the AIPA.

The present application has a priority date of May 27, 1999 which predates any reference date of Yamazaki or the PCT application.

2.2 The combination of Rader and Yamazaki fails to disclose or suggest the feature of claims 1 and 11 in the patent application at hand: "changing the position of the first part of the display element on the display element at set intervals in order to avoid display burn-in".

The Office Action correctly points out that Rader fails to disclose or suggest this feature. Because Yamazaki is not a valid reference as set forth above, the combination of Rader and Yamazaki fails to render claims 1 and 11 unpatentable.

Claims 2-7 and 9-12 depend from claim 1 and therefore are also patentable over the combination of Rader and Yamazaki.

2.3 The combination of Rader and Yamazaki fails to disclose or suggest changing information displayed on the first part of the display element at set intervals in order to avoid display burn-in, as recited by claims 13 and 15.

The Office Action properly states that Rader fails to disclose or suggest this feature. As set forth above, Yamazaki is not a valid reference. Therefore, claims 13 and 15 are patentable over the combination of Rader and Yamazaki.

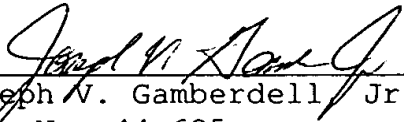
Claims 14 and 16 depend from claims 13 and 15, respectively and as such are also patentable over the combination of Rader and Yamazaki.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are

clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Nov. 6, 2003
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